
Education Committee

HB 1792

Brief Description: Defining the parameters of the use of force and physical restraint in the common schools.

Sponsors: Representatives Pettigrew, Santos, Dickerson, Haler, Simpson, Darneille, O'Brien, Murray, Lantz, Chase, Kenney, Kagi, Hasegawa, Moeller and Hudgins.

Brief Summary of Bill

- Permits the use of physical restraint in schools only when there is a threat of imminent, serious, bodily harm.
- Prohibits the use of physical restraint in schools for discipline purposes in the absence of a threat of imminent, serious, bodily harm.
- Creates exemptions for the use of restraint by commissioned law enforcement officers, and the use restraint authorized or required for special education students or disabled students.
- Requires school building administrators to include school security personnel in the annual review of building discipline standards and enforcement.

Hearing Date: 2/16/05

Staff: Sydney Forrester (786-7120).

Background:

The physical discipline of a child is not unlawful when it is reasonable and moderate and is inflicted for the purpose of restraining or correcting a child. Any use of force is unlawful unless it is reasonable and moderate and is authorized in advance by a parent or guardian.

Certain actions are presumed unreasonable when used to correct or restrain a child. Actions presumed unreasonable include a list of specific actions, as well as any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks. When determining what is reasonable or moderate, the age, size, and condition of the child, and the location of the injury are considered.

State law requires school district boards to develop written procedures for administering discipline in each school building. Individual school building administrators are charged with determining

that appropriate student discipline is established and enforced within the school. Principals must confer at least annually with certificated employees to develop and/or review building discipline standards and enforcement of those standards.

Schools and districts may employ security personnel to assist in enforcement of discipline policies. Statewide a variety of school discipline policies exist, ranging from hands-off policies, to those that permit the use of handcuffs and other restraints, to those that permit the use of deadly force.

Summary of Bill:

Physical restraint in schools is defined as the use of force or restraint used to control a student, including the use of a restraint device. A restraint device includes devices used to assist in controlling a student, such as handcuffs, pepper spray, tasers, and batons.

The use of physical restraint in schools by persons other than commissioned law enforcement officers is limited to the use of reasonable force when: (1) the person's behavior poses a threat of imminent, serious, physical harm to self or others; and (2) nonviolent interventions would not be effective in removing the imminent threat.

The use of physical restraint by persons other than commissioned law enforcement officers is prohibited as a means of discipline for failure to follow directions, for noncompliance with rules, or as a response to the destruction of physical property.

The limitations regarding the use of restraint do not apply to commissioned law enforcement officers, or when the use of restraint is authorized or required by, and is consistent with, a special education student's individualized education plan, or a student's 504 plan.

School building administrators are required to include school security personnel in their annual review of school discipline standards and enforcement.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.